

REMARKS

Summary of changes to claim 1

In the preamble, applicant wishes to substitute "For the improvement of a vacation trailer having conventional structural features including", in place of "For combination with conventional vacation trailer structural features comprising". The idea of this minor change being desirable originated from expression in the O.A., at point 2 in reference to line 13, of an apparent expectation that correspondence between "suspension means" and "means for causing said vacation trailer to kneel" should have been specifically set forth clearly in the claim itself. However, the O.A.'s point 2 rejection under the Second Paragraph of 35 U.S.C. 112 appears to applicant to have failed to recognize applicant's use of "means for" (plus function) claim language to elicit interpretation under the Sixth Paragraph of 35 U.S.C. 112. Assuming this oversight be corrected and a proper Sixth Paragraph interpretation be applied, attention is appropriately drawn to the points in the Specification where the purportedly unclear relation was set forth, viz., at paragraph [0011], at paragraph [0027] (last sentence), and at paragraphs [0039] and [0041] discussing the fact that causing the trailer to kneel, thereby lowering it at the rear, expedites unloading, and setting up shelter behind the trailer. Moreover, in the drawing, substantial integration of kneeling means with suspension means is specifically taught by illustrated physical relation of figure elements 6, 8, and 8' in the wheel-well cutaway area of FIG. 1.

Immediately following the preamble, from "effective" to the second occurrence of "combinatory elements" runs long phrasing that amounts primarily to a mere assertion of effectiveness which may appropriately be deleted.

Respecting change to the section for the "(A)" element, applicant submits that "said end where said bumper attaches" means the same thing as formerly used "said bumper-bearing end of said chassis".

Respecting change to the section for the "(B)" element, applicant wishes to add an additional exclusory proviso, in order to draw the Examiner's attention to the fact of ramp-less unloading made evident by FIGS. 2, 3, and 4, and by descriptive discussion particularly at paragraphs [0031], [0032], and [0033]. It would be logically inconsistent with the application as filed to expect use of a ramp for unloading portables carrier 10, when its being cantilevered during rearward emergence, then its being tilted counterclockwise, and then its dropping of its ends to the ground were clearly indicated.

Respecting change to the section for the "(C)" element, "roofing-over" has been discarded as less clearly referring to what is done with fabric than the new expression "suspending fabric to wall-in a sheltered area". Support for this change is at paragraphs [0034] and [0036], especially at the second sentence of [0036], which makes clear that the fabric affixes to "edges of upraised door 2", thereby ruling out as logically inconsistent the covering over of the top portion of the raised door (done in fact by the SYLVESTER's sock-like fitted fabric structure, from which the negative limitation of applicant clearly distinguishes).

Respecting change to the section for the "(D)" element, none is indicated.

Respecting change to the conclusory "whereby" section ending claim 1, there is no significant change of meaning from the original version, although succinctness is promoted.

None of the dependent claims appear to require changes.

Applicant's review of the rejections

The O.A.'s rejection of claim 1 under the First Paragraph of 35 U.S.C. 112 was explained to derive from a purported lack of basis in the original disclosure, for the negative limitation "without positioning fabric atop a solid upward-opening rear door". The basis of support for this limitation, however, is clearly evident from the illustrated (and discussed) comparison between applicant's invention and that of the SYLVESTERs. See FIGS. 12 and 13 of the original disclosure, paragraph [0046], paragraphs [0034] and [0036], especially at the second sentence of [0036], which makes clear that the fabric affixes to "edges of upraised door 2", thereby ruling out as logically inconsistent the covering over of the top portion of the raised door (done in fact by the SYLVESTER's sock-like fitted fabric structure).

Applicant submits that the point 1 rejection in the O.A. erred in not finding basis for the negative limitation. The basis does not need to be literal (Ex parte Parks, 30 USPQ2d, 1234,1236), but can be what a relevant worker of skill would logically infer from a disclosure's text and drawing figures.

The point 2 rejection under the Second Paragraph of 35 U.S.C. 112 focussed on a finding that a "relation" between trailer suspension means and kneeling means was not clearly enough expressed in the claim. However, as already briefly discussed above with respect to the section of claim 1 for the "(A)" element, applicant's means-plus-function language should have invoked interpretation under the Sixth Paragraph of 35 U.S.C. 112. Applicant is apprised, from MPEP 2181, that "unless the means-plus-function language is itself unclear, a claim limitation written in means-plus-function language meets the definiteness requirement in 35 U.S.C. 112, second paragraph, so long as the specification meets the written description requirement in 35 U.S.C. 112, first paragraph." In re Knowlton, 178 USPQ 486, 492-93. Therefore, since the line 13 kneeling means phrase pertaining to element "(A)" in claim 1 was not purported to lack basis in the specification--to which no objection was recorded--applicant submits that it would be proper for the Examiner to now apply Sixth Paragraph interpretation, in which case the specific portions of the specification and drawing already identified above with respect to changing language for element "(A)" should be consulted, to find that the clear relation sought for is the physical integration shown and discussed.

Also under point 2 of the O.A., "insufficient antecedent basis" for the term "said bumper-bearing end" was alleged. However, the original preamble and amended version thereof both make clear that the bumper attaches to the end of a trailer chassis opposite the towing hitch end, which by ordinary English usage is what "bumper-bearing end" means.

Furthermore, still concerning the second part of O.A. point 2 and the lack of antecedent alleged, applicant has consulted MPEP 2173.05(e) and perceives that literal identity of recitations is not required. Inherent components of elements recited have antecedent basis in the recitation of the components themselves. An example given in this context indicates that "the outer surface of said sphere" does not require an antecedent recitation that the sphere has an outer surface. Similarly, submits applicant, "said bumper-bearing end of said chassis" should not have been adjudged unclear for deficient antecedency, in view that any relevant worker of skill, more likely than not, would have instantly perceived that "bumper-bearing end" meant the end of a trailer chassis opposite the towing hitch end. Point 2 of the O.A. concluded without any suggestion how to correct the alleged antecedent problem.

Rejection of claims 1-5 under 35 U.S.C. 103(a) was explained in O.A. point 4, which provides its own brief summary in the first paragraph thereof, basing its finding of unpatentability on the references: PARMER in view of ZIESE and HEIDER ET AL., and further in view of DALPIZZOL ET AL. Applicant's remarks on the O.A.'s finding of obviousness of applicant's combination are presented below in association with reviewing the references.

Review of the references

PARMER discloses a "TOY-HAULING TENT TRAILER" which includes an element that is variously called "rear floor extension 124" or "ramp 124", and the useful functions of which clearly include its being "lowered to serve as a loading and launching ramp for toys (FIG. 3)." Applicant is unaware of any relevant suggestion in the art to omit and exclude such a ramp, while at the same time retaining its unloading (ie., "launching") function. It is established in law that retention of the function of an omitted element may indicate non-obviousness. The O.A. took no note of the fact that PARMER depends on a ramp to unload from a trailer a rolling load such as a jet ski supported on its own wheeled trailer, whereas such use of a ramp is not contemplated in association with the present invention of a special kneeling trailer.

The O.A. cites, in connection with applying PARMER to the attempted case for obviousness, PARMER's inclusion of "means for unloading as per FIG. 3", but using ramp 124 as does PARMER does not remotely resemble how applicant's combination operates for unloading a trailer without an inclined ramp leading downward from the rear end thereof.

Respecting citation in the O.A. of ZIESE, it was said that this reference "discloses a detachable bumper 16 for attachment to a travel trailer and for storage of a self-contained or internal electric power generator." In fact, as proven by FIG. 1, ZIESE does not store anything in his detachable bumper. It is utility compartment 10 providing storage, not the bumper 16, the latter having been incorrectly said in the O.A. to be "for storage".

The O.A., acknowledging that "Parmer '726 and Ziese '960 do not include means for raising and lowering a back end", then goes on to cite HEIDER ET AL for their teaching of means for raising and lowering a vehicle frame with respect to an axle. At Col. 7, lines 1-3, a teaching consistent with everything essentially taught in this reference, it is disclosed that: "The present invention converts the air bags into air cyclinders which can raise and lower the opposite sides of the vehicle." Every stated object of this referenced invention concerns lateral stability, ie., side-by-side frame-over-axle height variations. Insofar as applicant here has found, from close study of ZIESE, the reference does not contemplate lowering the rear end of the vehicle.

Applicant was well aware that kneeling means are already known, which may easily be adapted to use in a special vacation trailer designed with the principal objects of rendering more convenient than usual the unloading of a trailer, and the setting up of a shelter at its rear when parked. Applicant's original disclosure indicated at paragraph [0039] that: "Kneeling systems used on public transit buses could readily be adapted to the purpose here." However, it does not prove obviousness of a new combination to merely point out prior existences, individually, of all needed components capable of being combined in order to arrive at the new combination.

Applicant submits that the O.A.'s presentation of selected references has not demonstrated that the prior art ever suggested or recognized desirability of their combination. The mere fact that they can be so combined or modified does not by itself render the resultant combination obvious. In re Mills, 916 USPQ2d 1430.

One can logically explain absence of a prior motivation to combine rearward kneeling means with a trailer having a ramp like that of PARMER, because the ramp that the O.A. failed to notice substantially obviates need for rearward kneeling.

Briefly summarizing applicant's salient points about the three first references: an error of disregarding pertinent factual information relating to structure and function was committed for each of them individually. PARMER uses a ramp, the unloading function of which applicant's invention preserves while omitting the ramp itself. ZIESE does not store anything, let alone shelter-wall fabric, in his detachable bumper. HEIDER ET AL nowhere propose applying their suspension means to lowering the rear end of a trailer, since their concern is with lateral stability and leveling. Applicant submits that disregard of these facts has been prejudicial to his invention being properly understood.

The reference of DALPIZZOL ET AL. is less near in art to applicant's invention than is the rearward sheltering means invention of the SYLVESTERS, whom applicant cited in the O.D.

DALPIZZOL ET AL. do not hang fabric sheltering material vertically from the upraised door, whereas applicant's invention walls-in the sheltered area by doing so. Moreover, the canopy material is so conveniently stored within the door that there would not likely be motivation to store it in a hollow bumper.

The O.A.'s argument established no more than that the references might have or could have been combined. For this reason, plus the facts-misperceiving errors pointed out, applicant hereby requests reconsideration of patentability of his invention.

Conclusion

Applicant is prosecuting this application without benefit of professional representation and requests under MPEP 707.07(j) that, should the claims as presently amended be found defective, while at the same time the "A-B-C-D" combination they attempt to cover may be found patentably allowable if properly claimed, the Examiner please will compose a claim covering the combination properly.

Applicant is placing this letter personally in the U.S. mail (Express) in the ~~nearby~~ State of Washington.

NEARBY

EXPRESS MAIL # ED 523206823 US.

Applicant expresses appreciation for the hard work and concise writing of the Examiner.

Signed this 14 day of February, 2005.

Raymond F Howard.


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CLAIMS

What is claimed as new is:

1. ~~For combination with conventional vacation trailer structural features comprising~~ ^{For the improvement of a vacation trailer having conventional structural features including} a chassis terminating at one end in a towing hitch attachable to a towing vehicle, a set of roadable wheels, suspension means connecting said wheels to said chassis, a trailer body mounted on said chassis, movable closure means for access to usable volume within said trailer body, and a bumper attached at the end of said chassis opposite said towing hitch, 

~~the novel combination of four particularly adapted and constructed combinatory elements designated "(A)", "(B)", "(C)", and "(D)", which are effective for utilization in a mutually cooperative manner both amongst themselves and together with said conventional vacation trailer structural features, where said four particularly adapted and constructed combinatory elements are:~~

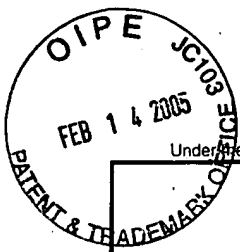
so as to lower said chassis

(A) means for causing said vacation trailer to kneel ~~in a manner causing said bumper-bearing end of said chassis opposite said towing hitch to be lowered~~ ^{at said end where said bumper attaches, to a position lower than the towing hitch end of said chassis;} ~~relative to a horizontal plane in which said hitch lies when said hitch remains in attachment to a towing vehicle;~~

- (B) means for unloading a multiplicity of portable items from said vacation trailer without necessity of individually handling each item, ^{suspending fabric to wall-in} ~~and without using a ramp down which to roll a cart transporting said items;~~
- (C) means for ~~roofing-over~~ a sheltered area of predetermined dimensions behind said vacation trailer when parked, without positioning fabric atop a solid upward-opening rear door; and,

(D) a detachable bumper containing a cavity for storage of folded or rolled fabric and/or screening material usable to wall-in said sheltered area;

^{lowering said chassis at the bumper end thereof by operation of element (A)} whereby ~~incorporating said elements (A), (B), (C), and (D) in an otherwise conventional vacation trailer produces improved convenience when unloading portable items transported in the vacation trailer, and improved convenience when setting up a sheltered area behind the vacation trailer.~~ ^{expedites unloading of said portable items and walling-in of said sheltered area.}



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